IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 25133 of 2007(P)

PETITIONER:

SAJAN T.SUNNY, ADDITIONAL LAW OFFICER, COMMERCIAL TAXES DEPARTMENT, PALAKKAD.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT TAXES (D) DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPARTMENTAL PROMOTION COMMITTEE (HIGHER), COMMERCIAL TAXES DEPARTMENT, REPRESENTED BY ITS CONVENER, THE SECRETARY TO GOVERNMENT, TAXES (D) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 25133 OF 2007
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Dated this the 24th day of August, 2007

J U D G M E N T

Petitioner aspires for promotion to the post of Deputy Commissioner, Sales Tax. It is stated that due to the pendency of a Vigilance case and disciplinary proceedings, he was not included in the select list. According to him, the DPC has decided to supersede him, due to the pendency of these cases. In the aforesaid circumstances, he had submitted Ext.P4 representation before the 2nd respondent seeking to place his case also before the Selection Committee and include him in the select list. Petitioner urges that the pendency of the enquiry and Vigilance case cannot be a bar and is also referring to a judgment of this Court in **Dr.P.Balachandran V.State of Kerala (2007(2) ILR).**

2. In view of the pendency of Ext.P4 representation

before the 2nd respondent,I dispose of this writ petition directing the 2nd respondent to consider and pass orders on Ext.P4, in the light of the judgment referred to above. Orders on Ext.P4 shall be passed within two months from the date of receipt of a copy of this judgment. Before final orders are passed, petitioner shall be given an opportunity for hearing.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp